



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of Brian A. Rosenfeld, M.D. and Michael Breslow

Serial No.: 09/443,072

Group Art Unit:

Filed: November 18, 1999

Examiner: unknown

For: **SYSTEM AND METHOD FOR PROVIDING CONTINUOUS, EXPERT NETWORK
CRITICAL CARE SERVICES FROM A REMOTE LOCATION(S)**

TRANSMITTAL LETTER

Hon. Commissioner for Patents
Washington, D.C. 20231

Dear Sir:

Enclosed please find the following:

1. Petition to Make Special;
2. Attorney's Statement;
3. Verification of Small Entity Status;
4. Check for \$130.00 (petition fee under 37 C.F.R. 1.17(i)); and
5. Certificate of Express mailing.

The Commissioner is hereby authorized to charge any fee deficiency, or credit any overpayment, to Deposit Account No. 18-1579. The Commissioner is also authorized to charge Deposit Account No. 18-1579 for any future fees connected in any way to this application. Two copies of this letter are enclosed.

Respectfully submitted,

Jon L. Roberts
Registration No. 31,293
Roberts Abokhair & Mardula, LLC
11800 Sunrise Valley Drive
Suite 1000
Reston, VA 20191
(703) 391-2900

January 10, 2001

Atty. Dkt. No.: 2483-001



CERTIFICATE OF EXPRESS MAILING

Express Mail Mailing Label Number EL 765899595 US

Date of Deposit: January 10, 2001

I hereby certify that the Petition to Make Special, Statement By Applicant's Attorney, and Check for \$130.00 for patent application of Brian A. Rosenfeld, M.D. and Michael Breslow for a **SYSTEM AND METHOD FOR PROVIDING CONTINUOUS, EXPERT NETWORK CRITICAL CARE SERVICES FROM A REMOTE LOCATION(S)** is being deposited with the United States Postal Service for "Express Mail" service under 37 C.F.R. § 1.10 on the date indicated above and are addressed to the Commissioner for Patents, Washington, D.C. 20231.

Jon L. Roberts
Registration No. 31,293
Roberts Abokhair & Mardula, LLC
11800 Sunrise Valley Drive
Suite 1000
Reston, VA 20191

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PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of Brian A. Rosenfeld, M.D. and Michael Breslow

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CRITICAL CARE SERVICES FROM A REMOTE LOCATION(S)**

* * * * *

ATTORNEY'S STATEMENT

* * * * *

Hon. Commissioner for Patents
Washington, D.C. 20231

Dear Sir:

In support of the Petition to Make Special on the basis of
37 C.F.R. § 1.102(d), and in accordance with the provisions of
M.P.E.P. § 708.02, X, I hereby state the following:

- A. This application is assigned to ICUSA.
- B. The Assignee is a small entity.
- C. The Inventor is co-founder and Chief Medical Officer of
assignee.
- D. Inventor and assignee's small entity status has been
established. (See Attachment 1).
- E. The subject of the above-referenced patent application
is a major asset of the small entity.
- F. HIV/AIDS infection and cancer has reached epidemic

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proportions in parts of the world. The technology contained in the above-referenced application has the potential to save a great number of lives of those who are being treated in intensive care units.

- G. Any day of delay in the development and distribution of this technology equates, quite literally, to the death of thousands of human beings.
- H. The development and distribution of the technology contained in the above-referenced patent application will be significantly impaired if examination of the application is delayed.
- I. An expedited examination, and the subsequent grant of a patent, will provide the financial means that are needed to develop, perfect and distribute this life-saving technology.
- J. The subject of the above-referenced application contributes to the treatment of HIV/AIDS and cancer because it provides for consistent and expert attention to those individuals in intensive care who are stricken with these diseases, thereby reducing mortality of such ICU patients. (See Attachment 2.)

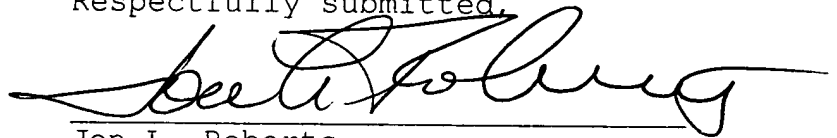
I declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are

January 10, 2001

Atty. Dkt. No.: 2425-001

believed to be true; and further that these statements are made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the present application or any patent issued thereon.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Jon L. Roberts", written over a horizontal line.

Jon L. Roberts
Registration No. 31,293
Roberts Abokhair & Mardula, LLC
11800 Sunrise Valley Drive
Suite 1000
Reston, VA 20191
(703) 391-2900

January 10, 2001

Atty. Dkt. No.: 2425-001

PTO/SB/09 (11.90)

**VERIFIED STATEMENT CLAIMING SMALL ENTITY STATUS
(37 CFR 1.9(f) & 1.27(b))--INDEPENDENT INVENTOR**

Docket Number (Optional)

Applicant or Patentee: Brian A. Rosenfeld, M.D. and Michael Breslow

Serial or Patent No.: Not Yet Issued

Filed or Issued: Herewith

Title: System and Method for Providing Continuous, Expert Network Critical Care Services From A Remote Location(s)



As a below named inventor, I hereby declare that I qualify as an independent inventor as defined in 37 CFR 1.9(c) for purposes of paying reduced fees to the Patent and Trademark Office described in:

- ☐ the specification filed herewith with title as listed above.
- ☒ the application identified above.
- ☐ the patent identified above.

I have not assigned, granted, conveyed or licensed and am under no obligation under convey or law to assign, grant, convey or license, any rights in the invention to any person who would not qualify as an independent inventor under 37 CFR 1.9(c) if that had made the invention, or to any concern which would not qualify as a business concern under 37 CFR 1.9(d) or a nonprofit organization under 37 CFR 1.9(c).

Each person, concern or organization to which I have assigned, granted, conveyed, or licensed or am under an obligation under contract or law to assign, grant, convey, or license any rights in the invention is listed below:

- ☐ No such person, concern, or organization exists.
- ☒ Each such person, concern or organization is listed below.

ICSUA

Separate verified statements are required from each named person, concern or organization having rights to the invention averring to their status as small entities. (37 CFR 1.27)

I acknowledge the duty to file in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 CFR 1.28(b))

I hereby declare that all statements made herein of my own knowledge are true and that all statements made an information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

Brian A. Rosenfeld, M.D.

NAME OF INVENTOR

Signature of inventor

Date

Michael Breslow

NAME OF INVENTOR

Signature of inventor

Date

NAME OF INVENTOR

Signature of inventor

Date

VERIFIED STATEMENT CLAIMING SMALL ENTITY STATUS
(37 CFR 1.9(f) & 1.27(c))—SMALL BUSINESS CONCERN

Docket Number (Optional)

Applicant or Patentee: Brian A. Rosenfeld, M.D. and Michael Breslow
 Serial or Patent No.: Not Yet Issued
 Filed or Issued: Herewith
 Title: System and Method For Providing Continuous, Expert Network Critical Care Services
From A Remote Location



I hereby declare that I am

- ☐ the owner of the small business concern identified below:
☒ an official of the small business concern empowered to act on behalf of the concern identified below:

NAME OF SMALL BUSINESS CONCERN ICUSA

ADDRESS OF SMALL BUSINESS CONCERN 2400 Boston Street, Suite 302, Baltimore, MD 21224

I hereby declare that the above identified small business concern qualifies as a small business concern as defined in 13 CFR 121.12, and reproduced in 37 CFR 1.9(d), for purposes of paying reduced fees to the United States Patent and Trademark Office, in that the number of employees of the concern, including those of its affiliates, does not exceed 500 persons. For purposes of this statement, (1) the number of employees of the business concern is the average over the previous fiscal year of the concern of the persons employed on a full-time, part-time or temporary basis during each of the pay periods of the fiscal year, and (2) concerns are affiliates of each other when either, directly or indirectly, one concern controls or has the power to control the other, or a third party or parties controls or has the power to control both.

I hereby declare that rights under contract or law have been conveyed to and remain with the small business concern identified above with regard to the invention described in:

- ☒ the specification filed herewith with title as listed above.
☐ the application identified above.
☐ the patent identified above.

If the rights held by the above identified small business concern are not exclusive, each individual, concern or organization having rights in the invention must file separate verified statements averring to their status as small entities, and no rights to the invention are held by any person, other than the inventor, who would not qualify as an independent inventor under 37 CFR 1.9(c) if that person made the invention, or by any concern which would not qualify as a small business concern under 37 CFR 1.9(d), or a nonprofit organization under 37 CFR 1.9(e).

Each person, concern, or organization having any rights in the invention is listed below:

- ☐ no such person, concern or organization exists.
☒ each such person, concern or organization is listed below.

Separate verified statements are required from each named person, concern or organization having rights to the invention averring to their status as small entities. (37 CFR 1.27).

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlements to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate (37 CFR 1.289(b)).

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

NAME OF PERSON SIGNING Robert Pfotenbauer

TITLE OF PERSON IF OTHER THAN OWNER CEO

ADDRESS OF PERSON SIGNING 2400 Boston Street, Suite 302, Baltimore, MD 21224

SIGNATURE Robert Pfotenbauer

DATE 11/10/99